| | Case 5:07-cv-04942-JF Document 22 | Filed 03/06/2008 | Page 1 of 5 | | |
|--------------------------------------|---|--|-------------------|--|--|
| 1 2 3 4 5 6 7 8 | GREGORY C. SIMONIAN, ESQ. BAR#: 13 VALERIE S. HIGGINS, ESQ. BAR # 238323 CASAS RILEY & SIMONIAN, LLP One First Street, Suite 2 Los Altos, CA 94022 (650) 948-7200 (650) 948-7220 Fax gsimonian@legalteam.com Attorneys for Defendants THE PARKINSON'S INSTITUTE UNITED STATI | 1162 ES DISTRICT COURT | | | |
| 9 | NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE DIVISION | | | | |
| 10 | | | | | |
| 11 | LYNDA FRAYO, | CASE NO. C-07- | 04942 - JF | | |
| 12 13 14 15 16 | Plaintiff, v. THE PARKINSON'S INSTITUTE, a California Corporation, and DOES 1-50 Defendants. | DEFENDANT THE PARKINSON'S INSTITUTE'S MOTION FOR APPROVAL OF SUBSTITUTION OF ATTORNEY AND (PROPOSED) ORDER | | | |
| 18 | The Parkinson's Institute hereby moves this Court to approve the substitution of its attorney, as specified herein. Gregory C. Simonian, Esq. is counsel of record for The Parkinson's Institute in the above- | | | | |
| 19 | | | | | |
| 20 | captioned matter. Mr. Simonian has recently joined a new law firm, and with this Court's approval | | | | |
| 22 | will continue his representation of The Parkinson's Institute, albeit under the auspices of his new | | | | |
| 23 | firm. | | | | |
| 24 | Mr. Simonian was previously a partner of the following law firm: | | | | |
| 25 | Clapp, Moroney, Bellagamba & Vucinich 1111 Bayhill Drive, Suite 300 San Bruno, CA 94066 | | | | |
| 26 | ` | JUJ 769-J400 | | | |
| 27 | <i> </i> | | | | |
| 28 | F:\wpdocs\LITIGATE\CLIENTS\Monitor Liability Managers, Inc\Frayo v. The Parkinson's Institute\Pleadings\Substitution.wpd 1 MOTION FOR SUBSTITUTION OF COUNSEL AND ORDER CASE NO. C-07-04942-JF | | | | |

Case 5:07-cv-04942-JF Document 22 Filed 03/06/2008 Page 2 of 5 As of February 19, 2008, Mr. Simonian is now a partner of the following law firm: 1 Casas Riley & Simonian, LLP 2 One First Street, Suite 2 Los Altos, CA 94022 3 Tel: (650) 948-7200 Fax: (650) 948-7220 4 The Parkinson's Institute is amenable to this proposed substitution, and the managing 5 partner of Clapp, Moroney, Bellagamba & Vucinich has been notified of this proposed change, and has no objection. (See Exhibit A, Judicial Council of California form MC-050, Substitution of 7 Attorney, for signatures evidencing approval of change.) This Motion has been duly served on all parties to this action, including The Parkinson's Institute. For the foregoing reasons, The Parkinson's Institute respectfully requests that this Court 10 issue an Order approving this proposed substitution of attorney. 11 CASAS RILEY & SIMONIAN, LLP DATED: March 6, 2008 12 13 14 ĞREGØRY C. SIMONIAN ÆRIE S. HIGGINS 15 Attorneys For Defendant THE PÄRKINSON'S INSTITUTE 16 17 (PROPOSED) ORDER 18 The Motion of The Parkinson's Institute for approval of substitution of attorney is 19 GRANTED. Counsel of record for The Parkinson's Institute shall be: 20 Gregory C. Simonian, Esq. 21 Casas Riley & Simonian, LLP One First Street, Suite 2 22 Los Altos, CA 94022 Tel: (650) 948-7200 23 Fax: (650) 948-7220 24 IT IS ORDERED. 25 26 JUDGE 27 28 F:\wpdocs\LITIGATE\CLIENTS\Monitor Liability Managers, Inc\Frayo v. The Parkinson's Institute\Pleadings\Substitution.wpd 2 MOTION FOR SUBSTITUTION OF COUNSEL AND ORDER CASE NO. C-07-04942-JF

EXHIBIT A

| | | | MC-050 | |
|---|---|--|---|--|
| L. THEODORE CLAPP, MORO | WITHOUT ATTORNEY (Name, State Barr, SCHELEY III, ESQ NEY, BELLAGAMBA AN | . BAR NO. 148916 ND VUCINICH | FOR COURT USE ONLY | |
| 1111 Bayhil SAN BRUNO, | l Drive, Suite 300 CA 94066 |) | | |
| E-MAIL ADDRESS (Optiona | η: | FAX NO. (Optional): (650) 989-5499 | | |
| SUPERIOR COURT STREET ADDRES MAILING ADDRES | OF CALIFORNIA, COUNTY OF s: 280 S. FIRST ST s: | | | |
| BRANCH NAM | E: SAN JOSE, CA 95 E: NORTHERN DISTRICE: LYNDA FRAYO v. ' et al. | CT - SAN JOSE | | |
| | SUBSTITUTION OF A | | CASE NUMBER: C-07-04942-JF | |
| a. Name: GR c. Address (nu REYNOLD: ONE FIR: | resentative Party is LEGORY C. SIMONIAN umber, street, city, ZIP, and le S CASAS & RILEY, I ST STREET, SUITE 2 No. (include area code): | representing self* X Attorney , ESQ. b. State Bar No. aw firm name, if applicable): LLP 2, LOS ALTOS, CA 94022 650) 948-7200 | (name): CLAPP, MORONEY, et al. (if applicable): 131162 (itioner respondent other (specify): | |
| *NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES | | | | |
| | GuardianConservatorTrustee | Corporation | Unincorporated association | |
| If you are apply to substitute on | ing as one of the parties of e attorney for another attor | on this list, you may NOT act as your mey. SEEK LEGAL ADVICE BEFORE A | own attorney in most cases. Use this form PPLYING TO REPRESENT YOURSELF. | |
| NOTICE TO PARTIES WITHOUT ATTORNEYS | | | | |
| A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences. | | | | |
| 4. I consent to this Date: Febru | | Nation. | Benchnachie | |
| THE PARKINSON'S INSTITUTE (TYPE OR PRINT NAME) | | <u> ► VMUU</u> | (SIGNATURE OF PARTY) | |
| ****** | t to this substitution. | CLADD MODE | ONEY, BELLAGAMBA AND VUCINICH | |
| | ary , 2008 | CLAPP, MORO | MEI, DELLAGAMBA AND VOCINICH | |
| L. THEOD | ORE SCHELEY III, I | ESO. | | |
| | ORE SCHELEY III, I (TYPE OR PRINT NAME) | | (SIGNATURE OF FORMER ATTORNEY) | |
| 6. X I consent | ORE SCHELEY III, I | REYNOLDS C | | |

PROOF OF SERVICE

I am employed in the County of Santa Clara, State of California; I am over the age of eighteen years and not a party to the within entitled action; my business address is One First Street, Suite 2, Los Altos, California, 94022-2753.

On March 6, 2008, I served the following document(s):

DEFENDANT THE PARKINSON'S INSTITUTE'S MOTION FOR APPROVAL OF SUBSTITUTION OF ATTORNEY AND (PROPOSED) ORDER

on the following interested parties in said action:

Amy Carlson, Esq. Hinkle, Jachimowicz, Pointer & Emmanuel 2007 West Hedding Street, Suite 100 San Jose, CA 95128

by using the following form of service:

X (VIA MAIL) I placed a true copy of the above-referenced documents in a sealed envelope with postage thereon fully prepaid; I caused the envelope to be deposited in the mail at Los Altos, California in accordance with the standard practice of Reynolds Casas & Riley, LLP for collection and processing of correspondence for mailing. I am familiar with the firm's practice for collection and processing of correspondence for mailing. Under that practice, mail is deposited, with postage thereon fully prepaid, with the U.S. Postal Service on the same day in the ordinary course of business.

(VIA FACSIMILE) I caused a true copy of the above-referenced documents to be transmitted by facsimile transmission to the person(s) listed above at the fax number last given by that person.

(VIA OVERNIGHT DELIVERY) I placed a true copy of the above-referenced documents in a sealed envelope and caused said envelope to be deposited with an express service carrier for delivery on the following business day to the person(s) listed above by either depositing the envelope in a box or facility regularly maintained by the express service carrier or delivering the envelope to an authorized courier or driver of the express service carrier.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 6, 2008, at Los Altos, California.

Mandi Cantrell

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